

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VENCIL C. GREEN,

Plaintiff,

v.

D. STRIBLING,

Defendant.

No. 2:23-cv-02302-WBS-EFB (PC)

ORDER

Plaintiff, a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983, has filed a motion to compel discovery responses from defendant Stribling. ECF No. 14. Because it appears that discovery responses have been provided, the motion will be denied.

Federal Rule of Civil Procedure 37 authorizes a court to compel a party who has failed to respond to discovery requests to do so. In his motion to compel, plaintiff argues that, as of the date of the motion (August 15, 2024), defendant had not responded to interrogatories and requests for admission sent on June 25, 2024. ECF No. 14. Defendant responds that he served responses to the requests on August 8, 2024, one day before the deadline plaintiff had provided. ECF No. 15. Plaintiff has not filed a reply brief, but his motion for summary judgment, filed on September 30, 2024, both cites and attaches defendant's responses to the discovery requests, thus confirming defendant's representations. As plaintiff has received defendant's discovery responses, the motion to compel will be denied.

1 Accordingly, it is hereby ORDERED that plaintiff's August 15, 2024 motion to compel is
2 DENIED.

3
4 Dated: November 12, 2024


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE